

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
KANSAS CITY**

<b>INTERMARK, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 4:16-cv-01311-BP</b>
	)	
<b>J &amp; K WALDIE, LLC,</b>	)	
	)	
<b>Defendant.</b>	)	

**PLAINTIFF INTERMARK, INC.’S MOTION TO ENFORCE  
THE SETTLEMENT AGREEMENT**

Plaintiff Intermark, Inc. (“Intermark”) respectfully moves the Court to exercise its inherent authority to enforce the settlement agreement reached by the parties through mediation. The parties settled this case on November 29, 2017. Under the settlement agreement, Defendant J & K Waldie, LLC (“Waldie”) agreed to pay Intermark \$175,000 in two installments and Intermark agreed to satisfy its lien obligations.

Since the case settled, Waldie has attempted to renegotiate the material terms of the settlement agreement by insisting on the inclusion of terms that were not discussed, much less negotiated, during mediation and that would effectively nullify the settlement. Waldie’s tactics have imposed considerable costs and burdens on Intermark and have needlessly delayed the resolution of this action.

Accordingly, Intermark respectfully requests that the Court grant Intermark’s motion to enforce the settlement agreement and enter an Order:

- (1) requiring Waldie to execute a settlement agreement in accordance with the terms of the mediation agreement on or before January 5, 2017;
- (2) ordering Waldie to pay Intermark’s attorneys’ fees incurred in responding to Waldie’s attempts to renegotiate the terms of the settlement agreement;

- (3) requiring Waldie to pay future attorneys' fees incurred by Intermark in this matter if Waldie violates the terms or deadlines set forth in the Court's Order; and
- (4) granting all other relief the Court deems just and equitable.

Respectfully submitted,

**PROTZMAN LAW FIRM, LLC**

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*Counsel for Plaintiff Intermark, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 29<sup>th</sup> day of December 2017, a true and correct copy of the above and foregoing was filed with the Court via the CM/ECF system, which will send notice to the below counsel of record:

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**ATTORNEY FOR DEFENDANT  
J & K WALDIE, LLC**

/s/ Andrew B. Protzman